



LICENSING DIVISION POLICY #310

Reviewing Beer/Wine Price Postings

Policy #: 310
Category: Licensing, Non-Retail
Purpose: Sets forth expectations for reviewing price postings for beer/wine products by licensees
Applies to: Licensing MIW Staff

Effective Date: 12/30/05

See Also:

POLICY STATEMENT

The posting of prices by beer/wine suppliers and distributors promotes uniform pricing. It ensures the product is sold to retail licensees at the posted price. It also ensures that the posted price is available to all retail licensees.

1. Price posting (interactive/batch) by licensees are accepted by the LCB electronic price posting system. Paper filings are acceptable for licensees:

- Who do not have Internet capability, or,
- For distributor changes when the supplier changes distributor appointments.

2. For each approved product for sale, there must be a separate price posted for each package configuration.

3. Licensing staff must ensure that licensees are aware of the following posting deadlines:

- **Supplier:** Supplier posting must be received by the 25th of the month. Corrections and revisions may be made until the 1st of the following month.
- **Distributor:** Distributor posting must be received by the 10th of the month. Corrections and revisions may be made until the 15th.

4. Extension requests from licensees for posting deadlines may be granted for "good cause."

- The following reasons or circumstances constitute "good cause:"
 - Computer malfunctions of the licensee's technical system.
 - New employees of licensees unfamiliar with the requirements or LCB price posting system.

DEFENDANT'S EXHIBIT	
CASE NO.	C04-0360P
EXHIBIT NO.	589

- Miscommunication between the supplier and the distributor regarding the price of a particular product.
 - Financial hardship, caused by a disruption of the sale of a particular product.
 - Emergencies or other extraordinary circumstances that prevented the licensee or its employees from meeting the posting deadlines.
- Supporting documents and history of previous extension requests will be considered to determine whether the licensee's reason for non-compliance is valid.
 - Upon granting an extension, MIW staff goes into the electronic system to allow the licensee to post after the deadline.
 - An extension request during the selling period will rarely be granted.
- 5. Posted prices are considered investigative information until the effective date. This ensures licensees are not able to view other licensee prices until the effective date.**
- Licensing staff may not allow suppliers and distributors to view other prices before their effective date. A distributor cannot view the future pricing of its supplier.
 - **Exception:** When there is a distributor change, MIW staff can provide the future price to the new distributor for price assumption purposes.
- 6. MIW Liquor Enforcement Officers (LEO) and MIW staff will monitor batch/interactive price postings periodically to enforce markup requirements.**
- 7. Price posting information in the LCB electronic system is maintained for a two-year period.**

RESPONSIBILITIES

Customer Service Specialist

- Provide technical assistance to licensees required to post their beer/wine prices.

Non-retail Compliance Supervisor

- Evaluate exceptions and extension requests. Problem solve and troubleshoot more complex issues. Investigate complaints from licensees or concerns from MIW LEOs or other LCB personnel. Refer to MIW LEO complaints or non-compliance issues for further investigation.

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MIW LEO

- Review licensee's catalogs for correct price posting.
- Spot check error messages with licensees to ensure that postings have been corrected or their product is not being sold.
- Investigate complaints from licensees or MIW compliance staff.

Non-retail Program Manager

- In controversial extensions, decide whether to grant or deny extension requests.

DEFINITIONS

Price Posting	Filing of beer / wine prices with LCB by suppliers and distributors of the products.
Batch Posting	Licensee submits multiple postings in one submission, which could include thousands of items.
Catalogue	Products sold by the licensee.
Dual Extension request	Simultaneous extension requests by the supplier and distributor for the postings of the price for the same product.
Extension request	Written request by supplier or distributor to extend their posting period.
Interactive Posting	Posting one product at a time; changing the price for a single product.
Price Posting Electronic System	LCB web-based electronic system that accepts and stores price posting information submitted by licensees.
Effective Date	First day that the product may be sold at the posted price.
Posting Period or Deadline	Periods of time that the licensee can post prices.
Error Message	Automated rejection of a price posting by the posting system sent to the licensee. Message is not visible to MIW compliance staff but is maintained in the price posting system and can be retrieved by MIW staff for investigation.

RELEVANT LAWS AND OTHER RESOURCES

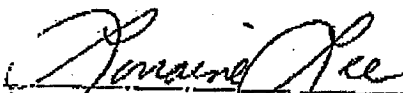
RCW 66.28.180 Price modification by certain persons, price posting
WAC 314-20-10 Beer price postings requirements
WAC 314-24-190 Wine price posting requirements

REVISION HISTORY

Policy created in December 2005. Supersedes all previous memos related to this subject.

CONTACT

For additional information about this policy, contact the Non-Retail Compliance Supervisor in the Licensing and Regulation Division.

APPROVING AUTHORITY

Lorraine Lee, Director, Licensing & Regulation
Liquor Control Board

12-30-05

Date

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